

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/579,654
Filing Date: May 18, 2006
Applicant: Paul Meredith et al.
Group Art Unit: 1794
Confirmation No.: 9357
Examiner: Ling X. Xu
Title: Silica Films and Method of Production Thereof
Attorney Docket: 6106-000006/US/NP

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Sir:

This paper is in response to the Office Action mailed February 2, 2009 concerning the above-captioned application. The shortened period for response to this Office Action extends until March 2, 2009.

In the Office Action, the Examiner rejected the amendment document filed on December 15, 2008, stating the amendments to the claims were non-compliant for failing to meet the requirements of 37 CFR 1.121 or 1.4.

The following timeline explains the relevant communication that has taken place with respect to the application as filed:

November 11, 2008 - Examiner makes restriction requirement.

December 15, 2008 - Applicant files response to November 11, 2008 restriction requirement.

December 22, 2008 - Examiner makes restriction requirement.

January 22, 2009 - Applicant files response to December 22, 2008 restriction requirement.

Applicant notes that the December 15, 2008 response was filed following an interview conducted on the same day by the Applicant's representative with Examiner Xu. In an effort to correct an error made by the Examiner when making the November 14, 2008 restriction requirement, the Applicant's representative agreed to provide a written response noting the error and requesting reconsideration of the restriction requirement without making an election. For clarity, the 29 claims of the pending application were attached to the December 15, 2008 response as Attachment A. Attachment A was not an amendment to the claims. Accordingly, withdrawal of the present rejection, on the basis of Attachment A being a non-compliant amendment to the claims, is respectfully requested.

It is believed that the outstanding Office Action has been fully complied with herein. If the Examiner has any questions or would like to personally discuss this

application, she is invited to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,

Dated: Febreuary 27, 2009

/ David A. McClaughry /
By: _____
David A. McClaughry
Reg. No. 37,885

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

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